

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--|---|--------------------------------|
| GENWORTH LIFE AND ANNUITY |) | |
| INSURANCE COMPANY (f/k/a FIRST |) | |
| COLONY LIFE INSURANCE COMPANY), |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 07 CV 06400 |
| |) | Honorable Samuel Der-Yeghiayan |
| DOROTHY CIURA and |) | Magistrate Judge Michael Mason |
| LISA VANDENBERGHE (n/k/a Lisa Ortega), |) | |
| |) | |
| Defendants. |) | |
| ----- |) | |
| LISA VANDENBERGHE (n/k/a Lisa Ortega), |) | |
| |) | |
| Cross-Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DOROTHY CIURA, |) | |
| |) | |
| Cross-Defendant |) | |

**DEFENDANT/CROSS-PLAINTIFF LISA VANDENBERGHE'S
MOTION FOR SUMMARY JUDGMENT**

NOW comes Defendant/Cross-Plaintiff, LISA VANDENBERGHE (n/k/a LISA ORTEGA) (referred to herein as "VANDENBERGHE") pursuant to Section of the Federal Rules of Civil Procedure, and for her Motion for Summary Judgment on her Cross-Complaint against Cross-Defendant DOROTHY CIURA, pursuant to Federal Rule of Civil Procedure 56(a), she states as follows:

VANDENBERGHE declares that there are no genuine issues of material facts and that as a matter of law judgment should be entered in her favor and against Cross-Defendant CIURA on her Cross-Complaint and on any affirmative defenses filed by CIURA. In support of her Motion, VANDENBERGHE attaches a Statement of the Undisputed Facts and Memorandum in Support of Motion for Summary Judgment.

WHEREFORE the Defendant/Cross-Plaintiff, LISA VANDENBERGHE (n/k/a LISA ORTEGA), prays this Honorable Court enter summary judgment, pursuant to FRCP 56(a), on her Cross-Complaint against Cross-Defendant DOROTHY CIURA, in Cross-Plaintiff's favor on any affirmative defenses filed by CIURA and enter an order or orders granting the following relief:

A. Granting judgment in favor of VANDENBERGHE for the full amount of any and all insurance proceeds and interest due and owing;

B. That any and all insurance proceeds and interest due and owing under the Policy, held by the Clerk of the Court pursuant to GLAIC'S Complaint for Interpleader, be hereby ordered to be tendered to VANDENBERGHE immediately;

C. Granting judgment against Defendant, DOROTHY CIURA, pertaining to any and all claimed rights by her to any portion of the insurance proceeds and interest due and owing by GLAIC under the Policy as set forth above;

D. Awarding VANDENBERGHE her actual court costs incurred in prosecuting this Cross-Claim against Defendant, DOROTHY CIURA;

E. Granting VANDENBERGHE such further and other relief as this Court may deem appropriate.

Respectfully submitted,

Attorney for Lisa Vandenberghe
(n/k/a Lisa Ortega)

/s/ Mark W. Mathys
Mark W. Mathys

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 24, 2008, I electronically filed the foregoing instrument with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for GLAIC

William A. Chittenden, III wchittenden@cmn-law.com , acruz@cmn-law.com

Stuart F Primack sprimack@cmn-law.com , acruz@cmn-law.com

I the undersigned, an attorney, also served the above documents to the following individuals by mailing a copy to the above-named attorney(s) at the above address and depositing the same in the U.S. Mail before 4:00 p.m. at 1730 Park Street, Naperville, Illinois, on July 24, 2008, with proper postage prepaid:

Attorney for Dorothy Ciura

Craig Greenwood

4456 Seeley Avenue

Downer Grove, IL 60515

/s/ Mark W. Mathys

Mark W. Mathys

Attorney for Lisa Vandenberghe
(n/k/a Lisa Ortega)

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